Frontex and
the right to seek asylum
A critical discourse analysis

Alicia López Åkerblom
Malmö University
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Faculty of Culture and Society
Department of Global Political Studies
International Migration and Ethnic Relations
Supervisor: Christian Fernández
Examiner: Margareta Popoola
Abstract

The European Union’s border control agency, Frontex, was established in 2004. Since its founding it has received ongoing critique from international human rights organizations stating that it prevents people from claiming their right to seek asylum. Therefore, the aim of this study is to understand how Frontex legitimizes its approach to the management of the union’s external borders in relation to the right to seek asylum. The theoretical framework of the thesis consist of Michel Foucault’s theories of power and knowledge structures in institutional discourse, which helps understand how the discourse is determined by power relations and consequently how Frontex legitimizes its work. A critical discourse analysis was conducted following Norman Fairclough’s three-dimensional model. The model consist of a text analysis, an interpretation and a contextualization of the text. The material analyzed is a report produced by Frontex to the Office of the United Nations High Commissioner for Human Rights.

The results show that Frontex describes its relation to human rights with words that have a positive connotation such as ‘protect’ and ‘respect’, and at the same time aim to legitimize its work in technical terms of ‘development’ and ‘effectiveness’. The results indicate that the knowledge produced in the report dehumanizes migrants and asylum seekers in order for Frontex to treat migration as a legal and technical issue. Furthermore, Frontex partially legitimizes its work by regularly referring to the UN and other NGO’s while emphasizing their previous support of the institution’s work. These power relations influence how Frontex chooses to discursively legitimize its work in respect to human rights. The results of this study only reflect Frontex’s legitimization in the aforementioned report and cannot be generalized to the whole institution. However, it contributes to the knowledge which may improve the situation for those in need to exercise their right to seek asylum.

Key words: Frontex, right to seek asylum, critical discourse analysis, power, knowledge, human rights, migration
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<tbody>
<tr>
<td>CDA</td>
<td>Critical Discourse Analysis</td>
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<tr>
<td>ECRE</td>
<td>The European Council on Refugees and Exiles</td>
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<td>EU</td>
<td>The European Union</td>
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<td>FRONTEX</td>
<td>European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
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<td>UN</td>
<td>The United Nations</td>
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<td>UNHCR</td>
<td>The UN Refugee Agency</td>
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1. Introduction

The member states of the European Union (EU) established the “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)” in 2004 by Council Regulation (EC) 2007/2004.\(^1\) Frontex’s purpose is to manage the external borders of the EU and, among other things, “combat illegal immigration”.\(^2\) These border controls and additionally the immigration restrictions affect those who do not possess an EU citizenship. To enter the EU as a non EU-citizen, there are certain requirements. For example, a valid travel document, a valid visa and sufficient means of subsistence for the stay are necessary. Furthermore, an invitation from a firm or an authority, certificate of enrolment at a university or a return ticket are examples of what can be requested by border guards.\(^3\)

Article 14 in the Universal Declaration of Human Rights states that all human beings have the right to seek asylum from persecution.\(^4\) Also, article 18 in the EU Charter of Fundamental Rights states the right to asylum.\(^5\) Since it is often not possible to seek asylum from the country of origin, one must first enter the EU in order to seek asylum. Due to the EU’s border controls there are only few ways of entering the EU in a legal manner if you are not an EU-citizen. Within this context, the right to seek asylum which is guaranteed by international law seems to be determined by one’s non-European citizenship.

Many international organizations have criticized Frontex for preventing people from claiming their right to seek asylum. In 2010, the UN Refugee Agency (UNHCR) reminded both the EU and Frontex that the people coming to Europe are both migrants and asylum seekers and that there is a stark difference between the two. The latter consist of people in need of protection, whereas the first does not. The UNHCR argues that border controls that do not make a distinction between migrants and asylum seekers endanger those whose lives already are at

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Also, the European Council on Refugees and Exiles (ECRE) recognizes that the EU has the right to control its borders, but that it should not override the principles of human rights. Furthermore, they argue that with few legal ways to enter Europe, the right to seek asylum is meaningless. Moreover, Hugh Williamson and Judith Sunderland write in Human Rights Watch (HRW) in 2013 that according to international and EU law, the EU and Frontex are legally obliged to give people who risk persecution and torture the right to seek asylum. However, boats with migrants heading towards Europe that are encountered on international water can be ordered to return to their country of origin by Frontex. Regardless of how the conditions for migrants are there. HRW encourages the EU to change their approach in order to secure refugee’s rights and avoid more accidents and deaths at sea. Similarly to ECRE, HRW urges the EU to create legal ways of entry to Europe for asylum seekers. This is an urgent and critical issue and therefore a highly relevant topic to study. Especially today, as according to the UNHCR, the number of refugees, asylum seekers and internally displaced persons in the world is at its highest since the Second World War.

1.1 Aim and research question

There is a recognized problem concerning the possibilities to exercise the right to seek asylum in the EU due to Frontex’s border controls. The aim of this thesis is, therefore, to understand how Frontex legitimizes its approach to the management of the union’s external borders in relation to the right to seek asylum. It will explore the problematic relationship between the right to seek asylum and the difficulties of actually claiming it due to Frontex’s border controls. Examining how the right to seek asylum is articulated as well as how the discourse is determined by power relations will contribute to the understanding of how Frontex legitimizes its work. Furthermore, the study will shed light on why Frontex actively continues to work with border controls and expand their work despite the critique received from different organizations that claim that Frontex does not fulfill the international law in a satisfactory way.

With this thesis I intend to contribute to a deeper understanding of how European border controls and immigration restrictions affect the universal right to seek asylum. This will contribute to the knowledge that aims to encourage social and political change to improve the possibility to exercise the right to seek asylum. The following research question is central within this thesis:

- How does Frontex legitimize its approach to the management of the union’s external borders in respect to the right to seek asylum?

1.2 Position of the researcher

I will now present my background and my position as a researcher which have affected my choice of research problem. I have a Bachelor’s degree in Human Rights and have during several years been volunteering in different NGO’s working for anti-racism, diversity and human rights with issues regarding refugees, asylum seekers and migrants. This has increased my awareness of the situation for asylum seekers and have also created a possible bias. Relevant for this study is also that I am a citizen of two EU member states and therefore enjoy full rights of an EU citizen. My background and experiences, as well as my belief that human rights are fundamental and universal, have inspired me to choose my research problem.

1.3 Structure of the thesis

The following chapter will present previous research in the field of border controls and asylum seeking in the EU as well as relevant background information about Frontex and its role and responsibilities. In Chapter 3, the theoretical framework for the thesis will be outlined. Michel Foucault’s theories of power and knowledge will create the theoretical and abstract foundation for this thesis in order to understand power and knowledge production in Frontex’s discourse. The methodology of this thesis will be introduced in Chapter 4, where Critical Discourse Analysis and Norman Fairclough’s three dimensional model of discourse will be presented. After which a discussion revolving around the methodology will follow. Chapter 5 will present the material of this thesis. The Frontex report under analysis will be presented and the choice of material will be discussed. The conducted analysis and its results will be presented in Chapter 6 followed by a concluding discussion in Chapter 7.
2. Previous Research

It is generally recognized that states’ have the right to control their borders which means that they decide who is allowed to enter and stay within their borders. However, states have increasingly closed their borders for non-citizens. René Bruin explains that over the last 20 years, states have expanded their work from border controls to, for example, patrolling coasts of asylum producing countries and placing Immigration Liaison Officers (ILOs) at foreign airports. The intention is to prevent people entrance to the state or even leave their country of origin. Today, European states cooperate by coordinating the aforementioned activities through agencies such as Frontex.11

Bruin argues that the access to asylum procedures is under threat. For example, the UNHCR criticized the Italian government in 2009 for pushing back boats with migrants from Libya without confirming if there were any possibly refugees on board. The UNHCR pointed out that “the fundamental right to seek and enjoy asylum from persecution set out in the Universal Declaration of Human Rights is guaranteed in the EU Charter of Fundamental Rights.”12 The right to seek asylum is, therefore, in principle secured by international law. Regardless where the application is submitted. Despite these laws, access to asylum procedures are being denied. Bruin argues that:

Persons are prevented from taking a plane to European airports. Persons are returned to countries where they have departed from without being allowed to lodge an asylum application. Only few complaints were lodged with an international supervisory body. Access to a legal remedy is hard to find.13

The right to seek asylum is under threat during sea activities as well. Boats on the way to the European coasts with potential refugee claimants have been pushed back to the country of origin.14 However, Bruin recognizes the difficulties at sea of identifying and distinguish those in need of protection from other migrants to Europe.15 Similarly, Cathryn Costello describes the challenge of asylum decision-making. It requires both “sensitive communicative approaches” to assess fear of persecution and “objective risk assessment” to evaluate future risk

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12 Ibid, 23
13 Ibid, 41
14 Ibid.
15 Ibid, 35
of harms. Notwithstanding the difficulties in combining these two elements, they are crucial in order to determine the asylum seekers’ need of protection. These decisions have been described as “the single most complex adjudication function in contemporary Western societies”.  

Furthermore, Ryszard Cholewinski states that the EU promotes and celebrates the free movement of EU-citizens in the EU, while the movement of third country nationals is simultaneously brought in a more negative light. For example, the term “illegal” migration refers to non-European migrants as potentially dangerous and not trustworthy. EU member states’ co-operation to combat criminality has always been closely connected to migration issues, and in particular to asylum migration. The securitization of irregular migration has been theorized by several political scientists as a “process wherein an urgent ‘threat’ mobilizes and legitimizes legislation and policies that would not otherwise be accepted”. Cholewinski argues for the need of a rights-based approach to EU migration law and policy, which would diminish the criminalization of irregular migration and asylum seekers.

2.1 Frontex

The up-coming expansion of the EU in 2004 led to a discussion on the new member states’ capabilities to guard the EU’s external border. These concerns led to the idea to intensify the cooperation of border controls in the EU. Hence, in 2002, a Commission communication was published entitled “towards an integrated management of the external borders”. Valsamis Mitsilegas emphasizes the use of management, in contrast to previously used control. He argues that it could be interpreted as an attempt to de-politicize the issue and legitimize the creation of a new Community body. In 2004, the Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States (Frontex) was adopted.


19 Cholewinski, 334

By referring to Frontex’s task as a type of management, the EU categorizes the agency as executive. However, Mitsilegas argues that the text of the Regulation regarding the powers of Frontex and the task of border control indicates an operational agency. Yet, the difference between management and undertaking operations is ambiguous in reality. In addition, Mitsilegas states that the operational role of Frontex makes it similar to agencies such as Europool and Eurojust. The agency’s work therefore has “implications for civil liberties and fundamental rights”. By naming Frontex a “management agency”, very little concerning the respect for human rights has been included in the legal framework of the agency. Nor is much regarding the legal consequences of violating human rights law included. This can be interpreted as an attempt to avoid debates and de-politicize border controls by treating it as a technical issue.\footnote{Ibid, 374-375}

Since Frontex has many roles and responsibilities; such as train border guards, conduct risk analysis and border control operations, Karina Horsti argues that there is no “single overarching logic in the agency”. Consequently, Frontex consists of several overlapping discourses, rather than merely one. Moreover, Frontex depends on the resources from the EU member states and on the European Parliament. Therefore, the agency, just as other institutions, is in constant need of justifying its existence and increasing its own credibility.\footnote{Horsti, 300-301} In her research, Horsti focuses on Frontex’s discursive strategies between the years 2006 and 2011 concerning irregular migration. She shows “how European control agents use humanitarian discourse to legitimate border control, migrant detention, and deportation.”\footnote{Ibid, 297} Additionally, Horsti’s results show that Frontex uses the “cost-effectiveness” and “efficiency” of border control and deportation to legitimize its existence.\footnote{Ibid, 303}

Furthermore, Frontex uses a type of managerial language which gives the impression that “border control, detention, and deportation are more positive actions, which are also for the benefit of the migrants.”\footnote{Ibid, 304} It assures people that migration is being controlled, and it mitigates interpretations of crisis as well as assumptions of human rights violations. Horsti states in her study that, in previous years, Frontex has applied a humanitarian strategy where “the protection of
migrants is presented as a justification for different types of security practices”. Furthermore, Horsti’s findings show that Frontex is aware of and has adapted to the critique from activists inasmuch as they describe their work in terms of “saving lives” and describe migrants as “victims”. In this way, Frontex assures the reader that the agency is solving the security problem in a “humane” manner. However, Mitsilegas argues that “a critical eye must be kept on the evolution of EU action, bearing in mind the real and potential challenges to fundamental rights”.

3. Theoretical Framework

In order to understand how Frontex discursively legitimates its approach to the right to seek asylum, a theoretical framework to analyze power and knowledge structures in institutional discourse is necessary. Michel Foucault’s renowned theories of power and knowledge will be used for the theoretical framework. His theories will create the theoretical and abstract foundation for this thesis from which Frontex’s discourse can be understood and discussed. In the following chapter, Foucault’s theories of power and resistance will firstly be presented. Afterwards, the concepts of discourse, knowledge and truth will be outlined as well as their close connection to the (re)production and maintenance of power structures. These theories will be used as the base to understand the findings of this thesis and assist in answering the research question.

3.1 Power

In contrast to scholars that understand power as a possession, Foucault understands power as a form of strategy, as something which is constantly performed. Power should, according to Foucault, be understood as “something that does something, rather than something which is or which can be held onto.” Power is understood as relations between individuals or groups and Foucault defines these relationships of power as:

A mode of action which does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future.

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26 Ibid.
27 Ibid, 305-306
28 Mitsilegas, 392
Furthermore, a power relationship needs to be based on two elements; the one over whom power is exercised needs to be acknowledged as a person who acts; and that, faced with a power relationship, different forms of reactions and results may open up. Moreover, Foucault describes the exercise of power as a structure or a set of actions upon other actions; “a way of acting upon an acting subject […] by virtue of their acting or being capable of action”.\footnote{Ibid.} The exercise of power, he argues, is a question of government. Government in its broadest meaning, understood as “to structure the possible field of action of others”.\footnote{Ibid. 790}

However, he understands power as circular in that it is not a one-sided flow from the top of a hierarchy and down. Everyone undergoes as well as exercises power, and therefore power circulates between bodies. This differs from the more traditional one-sided way of understanding power in juridical or sovereign terms as exercised by institutions over people.\footnote{Foucault, Michel. Two Lectures, Lecture 2. In Power/knowledge: selected interviews and other writings 1972-1977. 1. American ed., Colin Gordon (ed.), 92-108. New York: Pantheon 1980, 98} Foucault views power as spread throughout society, and in constant need of being renewed and maintained.\footnote{Mills, 52} In order for a decision (power) to be implemented, people must accept the legitimacy and validity of the decision.\footnote{Oliver, Paul. Foucault: the key ideas. Blacklick, Ohio: McGraw-Hill, 2010, 46-47} Therefore, when analyzing power, one is analyzing “the tactics and strategies by which power is circulated”.\footnote{Barker, Philip. Michel Foucault: an introduction. Edinburgh: Edinburgh University Press, 1998, 29} This is line with the aim of this thesis inasmuch as it will study how Frontex (re)produces, maintains and legitimizes its exercise of power, rather than study its power as a possession. Therefore, Foucault’s conception of power is suitable for this study.

Furthermore, in order for there to be power relations and the possibility to exercise power, there has to be someone with the freedom to resist.\footnote{Foucault, The Subject and Power, 790} In this way, the individual is not seen as passive and power relations are understood as highly complex and far from one-sided.\footnote{Mills, 40} Power is, according to Foucault, closely connected to liberty as people over whom power is exercised has the possibility to choose how to behave and react. The exercise of power aims to influence their choices.\footnote{Foucault, The Subject and Power, 790} Moreover, Foucault understands resistance as “transversal” struggles inasmuch as they are not limited to one country. Furthermore, he views it as “immediate” struggles which
questions the status of the individual. He understands different forms of resistance as struggles of a form of power, rather than an institution as such.\textsuperscript{40} That is why this thesis will focus on how Frontex legitimate\textit{s} its power rather than the actual institution.

Foucault suggests to study power relations by “taking the forms of resistance against different forms of power as a starting point”.\textsuperscript{41} That is, to use resistance as a way to illuminate power relations, where they are located and how they are used. The resistance and critique from different human right organizations have shed light on the situation for possible asylum seekers in the EU and that is this thesis’s point of departure. However, the resistance itself will not be the main focus of the thesis, but it shed light on the power exercised by Frontex and it will contribute to understand it.

3.2 Institutions

Foucault views the state as the most important actor of exercising power, even though he recognizes that it is not the only form of exertion of power.\textsuperscript{42} He describes the state as a new political structure which is often perceived as acting for the best interest of the population rather than the individual. Foucault agrees to a certain extent but stresses that the state is “both an individualizing and a totalizing form of power”.\textsuperscript{43} This is also the case for the European Union. Even though Foucault did not focus particularly on the EU and its institutions, Frontex is constituted and managed by several cooperating states which makes it a powerful institution with similar purpose as states’ own border control institutions. Since the management of border controls has somewhat moved from state’s borders to the EU’s external border, Frontex is one of the most powerful operational institutions regarding immigration in the region.

Foucault recognizes the importance of institutions in the establishment of power relations and argues, in line with this thesis, that institutions need to be studied from the standpoint of power relations.\textsuperscript{44} However, it is not possible to understand all power relations in society merely by studying one or several institutions. Relationships of power are “rooted in the whole network

\textsuperscript{40} Ibid, 780-781
\textsuperscript{41} Ibid, 780
\textsuperscript{42} Ibid, 793
\textsuperscript{43} Ibid, 782
\textsuperscript{44} Ibid, 791
of the social”⁴⁵, and the state is not “able to occupy the whole field of actual power relations”.⁴⁶
Due to a limited amount of time, this thesis will only focus on one institution, which is Frontex,
and will therefore be limited to understand only the power relations and exertion of that
institution. However, Foucault also argues that power relations have become more
governmentalized and institutionalized,⁴⁷ which supports the choice of analyzing power in an
institution such as Frontex.

The exercise of power, is according to Foucault, not always easy to identify, since it is far more
complex than “a simple vertical relationship within a hierarchy”. The different institutions in
society and their power influence the whole society in a subtle way which is difficult to
recognize.⁴⁸ Studying Frontex’s discourse will therefore help uncover different forms of
exertion of power that would otherwise be hard to identify. Furthermore, when analyzing
institutions and power, Foucault separates ‘intentionality’ from effect. He argues that there is
often a difference between the intention, aim and guiding principles of an institution and what
actually happens. It is therefore important to include the external and internal demands and
resistances on the institution in the analysis.⁴⁹ This will be done in this thesis by including the
context in which Frontex exists, and the discourses of international human rights organizations
criticizing and resisting Frontex. However, it is not my intention to analyze what Frontex
actually does, but how it discursively legitimizes what it does.

3.3 Knowledge, truth and discourse
Foucault argues that power and knowledge depend on each other. Knowledge is a part of power
struggles and the production of knowledge is on the other hand a claim for power. In other
words, “it is not possible for power to be exercised without knowledge, it is impossible for
knowledge not to engender power.”⁵⁰ Connected to his studies of knowledge, are his studies of
truth. Foucault does not view knowledge as objective but rather as information being processed
by power and consequently being labelled as a ‘fact’ or ‘truth’.⁵¹ It is not obtained through

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⁴⁵ Ibid, 793
⁴⁷ Foucault, The Subject and Power, 793
⁴⁸ Oliver, 46
⁴⁹ Mills, 50
⁵¹ Mills, 72
liberation, but rather, “truth is a thing of this world: it is produced only by virtue of multiple forms of constraints”. He focuses on how the institutional processes and mechanisms establish something as a fact or as knowledge, since institutions such as Frontex produce, reproduce and circulate knowledge in societies which is beneficial for certain groups. In modern societies, truth is “centered on the form of scientific discourse and the institutions that produce it”. Its production and distribution is controlled by great political and economic institutions. Societies have their own “régime of truth”, their “general politics of truth”, where discourse plays the role of accepting and making certain functions and statements true and other false. Information or statements that are labelled as false will not circulate and be reproduced. The ‘true’ statements will, however, be reproduced and converted into “common-sense knowledge” and will have specific effects of power attached to it. Therefore one must look carefully at information since it may be produced to maintain current power relations and structures. This applies to the discourse of Frontex, since it is an institution in constant need of discursively legitimizing itself and maintaining a certain political power. With this thesis I intend to identify some aspects of Frontex’s “general politics of truth” which will show what kind of knowledge the institution chooses to (re)produce as ‘truth’.

Foucault emphasizes the association between discourse and power relations. He understands discourse as “a key element in the creation of power in society”. Discourse should not be understood as a translation of reality into language, but rather as a “system which structures the way that we perceive reality”. Moreover, difficult or technical vocabulary excludes laypersons from understanding, participating in and challenging the discourse and those in power of it. Also, discourses help define who should be in power over others, where this power will be located and it convinces the people to accept a particular kind of exercise of power. This emphasizes the importance of studying the discourse of a powerful institution such as Frontex. Those in power tend to develop a theory or an intellectual justification for their exercise of power. Regardless of how powerful or authoritarian an institution might be, it usually tries to

52 Foucault, Truth and Power, 131
53 Mills, 67
54 Ibid, 79
55 Foucault, Truth and Power, 131
56 Ibid, 131-132
57 Mills, 72-74
58 Ibid, 54
59 Oliver, 32
60 Mills, 55
61 Oliver, 29
explain why its actions are in the best interest of the majority of the citizens and in that way legitimize its actions.\textsuperscript{62} This is precisely what the thesis will analyze in the situation of Frontex and its way of articulating and relating to the right to seek asylum.

### 3.4 Discussion

The concepts and theories described above show how power is closely linked to resistance, knowledge and discourse. This understanding of power as (re)produced and legitimized through discourse is essential when conducting the critical discourse analysis. It will help interpret and analyze Frontex’s discourse in relation to the right to seek asylum, and how the institution legitimizes the management of the border controls. However, it is important to remember that researchers and academics are also included within the workings of power relations and production of knowledge.\textsuperscript{63} The fact that power is everywhere consequently means that no one can position themselves outside power relations. However, Foucault argues that researchers should try to question that which appear as obvious and assumed, and to re-evaluate institutions.\textsuperscript{64} This will be the aim of the thesis, since I intend to critically examine Frontex and question its relation to the right to seek asylum.

The concepts of power and discourse are central in both Foucault’s work and in Critical Discourse Analysis (CDA). Both CDA and Foucault have their roots in critical theory and have a relativist and constructionist position. This shows in much of Foucault’s work, as he took the position of a relativist\textsuperscript{65} as he understood knowledge and power as socially constructed and relative.\textsuperscript{66} Due to CDA’s and Foucault’s similar epistemological and ontological standpoints, the theories are compatible and suitable together in this thesis. They will complement each other inasmuch as Foucault’s understanding of power, knowledge and discourse will contribute to a deeper understanding of the results from the CDA so as to answer the research question in a satisfactory way.

\textsuperscript{62} Ibid, 45
\textsuperscript{63} Mills, 77
\textsuperscript{64} Barker, 31-32
\textsuperscript{65} Oliver, 83
\textsuperscript{66} Ibid, 157
4. Methodology

4.1 Critical discourse analysis

In this thesis a Critical Discourse Analysis (CDA) will be conducted on the material. CDA consist of different disciplinary backgrounds, methods and objects of investigation, however, all consist of certain common dimensions. Most scholars in the field agree on the key principles of power, ideology and critique, which will be expanded upon below. Contrary to other discourse analysis, critical discourse analysis is problem-orientated and follows an interdisciplinary approach. Furthermore, CDA does not focus on linguistic units per se, but on complex social phenomena. It analyzes “opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language” and critically investigates how they are expressed, constituted and legitimized in discourse. The vast majority of CDA scholars would agree on Jürgen Habermas’s definition of language as “a medium of domination and social force. It serves to legitimize relations of organized power.”

4.1.2 Power, ideology and critique

Since CDA analyzes those in power and those responsible for existing inequalities, power is a central concept. CDA researchers are interested in how discourse (re)produces social domination and/or power abuse. There are many ways of understating the concept of power. However, in CDA it is often explained with Foucault’s theories which have been elaborated on previously. His theories and concepts of power will be used in the analysis of the thesis.

Furthermore, institutions use language to create their own social reality meaning that they only exist to the degree that their “members create them through discourse”. CDA researchers and Foucault share the view that institutions within a democratic state, need to legitimize and justify their power in order to be accepted by the people. Discourse is used to legitimize the institution’s interest and existence, as well as to “reproduce their own institutional dominance”. Additionally, it should be pointed out that any study of institutional discourse

68 Ibid, 10
69 Jürgen Habermas (1967), as quoted by Meyer & Wodak, 10
70 Meyer & Wodak, 9
72 Ibid, 8
will include a review on the workings of the respective institution. By applying CDA in my thesis, I will be able to study the discourse of Frontex and how they legitimize their work, as well as in brief understand the institution itself.

Norman Fairclough distinguishes between face-to-face (spoken) discourse and written discourse were participants are separated in space and time. There is an “one-sidedness” to written discourse since there is a clear “divide between producer and interpreter”. Therefore, power relations are not as clear but rather hidden. Due to this “one-sidedness” the producers have the power to include or exclude whatever they want and decide how events are presented. However, this does not mean that, for example, Frontex’s discourse is omnipotent in the sense that it is not affected and influenced by other discourses. On the contrary, Fairclough recognizes the importance of considering other discourses’ influence (See 6.3 Contextualization) However, Paul Simpson and Andrea Mayr argue that it is common in CDA to view relationships of power and dominance as being (re)produced “invisibly” in the linguistic structure of a text. The invisibility ensures that the reader of a text is encouraged to understand the world from the perspective of the author. These underlying ideological assumptions are expressed in a way that make them appear natural or as common sense. This process is called naturalization by CDA scholars and it encourages readers to align with dominant thinking. Something which Foucault would have understood as “common-sense knowledge”.

The critical aspect of CDA can be traced back to ‘Critical Theory’, since it indicates that social theory should criticize and change society in contrast to traditional theory which solely understands or explains it. A clear goal within the CDA tradition is to create social and political change, hence critical theory and CDA “want to produce and convey critical knowledge that enables human beings to emancipate.” However, it is important to remember that researchers are not privileged in any way which means that they are also part of the societal hierarchy of power and status. Their work is driven by social, economic or political motives. This is why it is vital that CDA researchers need to be open about their own positions and

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74 Simpson & Mayr, 55-56
75 Meyer & Wodak, 6
77 Meyer & Wodak, 7
78 Ibid.
remain self-reflective throughout their research process.\textsuperscript{79} For this reason, my position as a researcher was presented previously.

4.2 Fairclough’s three-dimensional model of discourse

Göran Bergström and Kristina Boréus argue that CDA is strongly connected with Norman Fairclough’s work.\textsuperscript{80} Fairclough understands language as a part of society as he argues that language usage is socially determined by social relationships as well as by non-linguistic parts of society. These social relationships are in turn partly determined by language.\textsuperscript{81} In my thesis, I will apply Fairclough’s three dimensional approach to discourse, in which discourse is understood as social practice. He describes it as analyzing the relationship between texts, interactions and context.\textsuperscript{82} (See Figure 1) Fairclough’s three-dimensional model focuses on both production of text and discourse as well as its interpretation by the consumer. However, in this thesis I will only focus on the aspect of production since the main focus of the thesis is on Frontex and how it produces text in order to legitimize its work. Furthermore, the aspect of interpretation requires research and studies\textsuperscript{83} that fall outside the time scope of this thesis. Nevertheless, the three-dimensional understanding of production of discourse will provide this thesis a wide understanding of Frontex, since it includes a text analysis of the material as well as an interpretation and contextualization of it. In that way, a deeper understanding of power relations and knowledge production in Frontex’s text can be achieved as to understand how the institution legitimizes its work. In sum, the critical discourse analysis conducted in this thesis will take the following three dimensions into consideration:

- **Description** of the text
- **Interpretation** of the relationship between the text and interaction
- **Contextualization** of the relationship between the interaction and the context\textsuperscript{84}

These dimensions will be developed below.

\textsuperscript{79} Ibid, 3
\textsuperscript{80} Bergström & Boréus, *Diskursanalys*, 307
\textsuperscript{81} Fairclough, 19
\textsuperscript{82} Ibid, 21
\textsuperscript{83} Bergström & Boréus, *Diskursanalys*, 324
\textsuperscript{84} Fairclough, 22-23
4.2.1 Description of the text

The text dimension of Fairclough’s model involves text analysis.\textsuperscript{85} In this thesis, I will focus on lexical cohesion and overlexicalization, pronouns as well as adjectives and adverbs in order to describe the text. Firstly, \textit{lexical cohesion} in a text can be achieved by the repetition of words that are linked in meaning or use of synonyms and near-synonyms to intensify meaning. This overlexicalization shows the preoccupation of the author, in this case Frontex. In the analysis, the meaning of the words that are frequently used will be defined and discussed. Secondly, \textit{pronouns} are examined by paying attention to whether the inclusive “we” is used, or exclusive “you”, or “they”, etc. This could indicate if there is an ‘us-and-them’ rhetoric in the discourse and how Frontex relates to asylum seekers.\textsuperscript{86} Thirdly, \textit{adjectives} in texts are employed in order to convey negative or positive meanings and as a result add positive or negative qualities to a thing or a situation.\textsuperscript{87} Furthermore, the text analysis will focus on \textit{adverbs} since they have a strong connection to adjectives.\textsuperscript{88} Although there are different forms of adverbs, they all add more information to an adjective, another adverb or a verb.\textsuperscript{89} This information derived from the adverbs will shed light on how Frontex describes different actions and phenomena in the text.

These aspects of Fairclough’s view on critical textual analysis will be employed in the thesis in a structural, cohesive and transparent way. (See Appendix for examples of analysis) The description of the text will show how Frontex articulates and relates to the right to seek asylum as well as to asylum seekers. Furthermore, this description provides the necessary foundation in order to proceed with the two next steps of the critical discourse analysis, in order to explain how Frontex legitimizes its work in relation to the right to seek asylum.

4.2.2. Interpretation of the relationship between the text and interaction

In order to understand the social significance and effect of a text, the description of it needs to be complemented with an interpretation and contextualization. The following section will describe the stage of interpretation and the process of text production, which focuses on the indirect relationship between text and social structures. Texts are produced “against a background

\textsuperscript{85} Simpson & Mayr, 53-54
\textsuperscript{86} Ibid, 110-114
\textsuperscript{87} Ibid, 92
\textsuperscript{89} Cambridge Dictionaries Online. \textit{Adverbs}. 2015 \url{http://dictionary.cambridge.org/grammar/british-grammar/adverbs?q=Adverbs} (2015-04-30)
of common-sense assumptions […] which give textual features their values”.90 These ‘common-sense assumptions’ can be manipulative at times. Text producers can manipulate the readers by inexplicitly adding ideologies to the reader’s textual experience without the reader even realizing it and thus naturalize “highly contentious propositions”.91

In this dimension of Fairclough’s model the analysis will focus on text production. An important characteristic of the interpretative dimension is intertextuality.92 It is often used to interpret the production of text.93 Intertextuality links a text to its context as “texts always exist in intertextual relations with other texts”.94 This connection can be manifested through, for example, quotes from other texts or references and idioms that demand the reader to have a certain intertextual knowledge.95 By using quotes from professionals or experts, the text producer can manipulate the readers’ interpretation of events and people. This occurs often, whereas opinions and statements of laypersons are seldom quoted.96

This stage of the analysis will, firstly, focus on the possible common-sense assumptions imbedded in Frontex’s text in order to understand the production of knowledge and ‘truth’ by the institution. Secondly, the analysis will focus on the aspect of intertextuality in order to better understand the production of the text in relation to other discourses. This will create an understanding of the relationship between the text and the interaction in which the interaction is understood as the process of production.97

4.2.3 Contextualization of the relationship between the interaction and the context

In comparison to the previous interpretative stage, the third dimension of Fairclough’s model deals with issues of power relations which are (re)produced, challenged or transformed through discourse.98 It focuses on what the text might say about the society in which it was produced. Researchers look at the social “goings-on behind a text” and if the text contributes or helps

90 Fairclough, 117
91 Ibid, 128
92 Simpson & Mayr, 115
93 Bergström & Boréus, Diskursanalys, 324
94 Fairclough, 129
95 Simpson & Mayr, 53-54
96 Ibid, 115
97 Fairclough, 21
98 Simpson & Mayr, 53-54
break down certain social structures. This is done by understanding the text in relation to the context in which it is produced.

Fairclough describes the last stage of the analysis as portraying “a discourse as part of a social process, as a social practice, showing how it is determined by social structures” and how the discourse sustains or changes the same social structures. These social structures are in fact relations of power. Fairclough states that “power relationships determine discourses; these relationships are themselves the outcome of struggles and are established (and, ideally, naturalized) by those with power.” The analysis will examine how power relations shape Frontex’s discourse. This understanding of discourse as social practice, determined by power relations supplemented with Foucault’s theories of power, will assist to help understand how Frontex legitimizes its approach to the management of the union’s external borders and how power relations are established and reinforced throughout their texts.

In order to further understand the way that social structures determine discourse, Fairclough uses the Foucauldian concept of ‘orders of discourse’. It implies that a discourse analysis needs to consider other discourses that might be relevant for the study. Such discourses can be challenging professional discourses, democratic discourses, etc. In this thesis, I will include a presentation of the challenging discourses that might be relevant for how Frontex’s discourse is structured. These discourses will above all be connected to the particular text under analysis and will consist of the UN and other relevant human rights organizations resisting Frontex’s work. These organizations represent the rights of asylum seekers and often criticize agencies such as Frontex. Consequently, Frontex is impelled to adapt its discourse to those of the organizations. Thus, the text will be contextualized in order to understand how power relations shape Frontex’s discourse.

### 4.3 Discussion

CDA has received critique due to its relativist and constructionist position. Critics argue that if language characterizes everything, then there would be nothing outside a discourse to relate to. Everything becomes a construction, and what is considered “true” is based on how a text is

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99 Ibid, 116  
100 Fairclough, 135  
101 Ibid, 136  
102 Bergström & Boréus, *Diskursanalys*, 324-325
perceived, which according to critics will make the most effective interpretation true. However, CDA researchers argue that relativism does not mean that one cannot decide what is true and what is not. Truth is, essentially, about consensus in the research world and each discourse has its own criteria to determine what is considered true.\(^{103}\) This is line with Foucault’s understanding of knowledge and truth as relative and as processed information, rather than something objective. Results from CDA can therefore be considered as processed information.

Moreover, critics argue that due to its constructivist perspective, CDA researchers themselves might become part of the discourse they are analyzing, which in turn makes their position outside the discourse more complicated.\(^{104}\) This is a perpetual issue when researchers interpret their material. I share many researchers’ opinion that no one can stay entirely objective when conducting research, since researchers themselves are influenced by society.\(^{105}\) Therefore, I do not claim that my results will be completely objective. However, the methods used in this thesis are not subjective and by systematically using them to analyze the material, the results will be as objective as possible. Furthermore, I intend to make my research process as transparent as possible throughout the whole research process which is crucial for the validity and reliability of the thesis.\(^{106}\) I have earlier also presented the possible biases that have affected my choice of research problem.

Concerning the validity of this thesis, I do not intend to draw any general conclusions, but rather present my findings in this particular case. The thesis might produce knowledge useful in other studies, but the purpose is not to make general claims nor make any sweeping generalizations. Furthermore, concerning text analysis, the aspect of interpretation needs to be scrupulous in order to increase the reliability of the study. Intersubjectivity is, according to Bergström and Boréus, an unrealistic ideal for text analysis since it includes the aspect of interpretation. However, text analysts, should according to Bergström and Boréus, aim to analyze in a transparent, consequent and well-argued manner to increase the intersubjectivity and consequently the reliability.\(^{107}\) The reader should be able to, without any problem, follow the

\(^{103}\) Ibid, 350  
\(^{104}\) Ibid.  
\(^{107}\) Ibid, 36
entire research process,\textsuperscript{108} which will be the ambition of this thesis. I have earlier presented how the critical discourse analysis is going to be conducted and by following those procedures systematically and openly, the reader will be able to follow the whole research process.

Finally, Bergström and Boréus argue that social scientists are always limited by time, knowledge and other resources.\textsuperscript{109} It should be noted that this thesis is subject to a short time period for conducting the research. The total amount of material is therefore a result of the time available which consequently affects the breadth and scope of the results and conclusions.

5. Material

The empirical analysis will be conducted on a report written by Frontex to the Office of the High Commissioner for Human Rights (OHCHR) titled “Frontex report to the Office of the High Commissioner for Human Rights on its activities aimed at protecting migrants at international borders, including migrant children”.\textsuperscript{110} It was published in June 2014 after a request from the OHCHR in May the same year. The need for the report was expressed in paragraph 16 in the Resolution A/RES/68/179 on the Protection of migrants adopted by the General Assembly of the UN in December 2013.\textsuperscript{111} It requested a report on the implementation of the same Resolution which should include an analysis on “the ways, challenges and means to promote and protect the rights of migrants at international borders, specially of migrant children.”\textsuperscript{112} The Frontex report, firstly, presents Frontex’s “mandate, structure and a broad overview of its activities”.\textsuperscript{113} Secondly, it explains “Frontex activities promoting and protecting fundamental rights”.\textsuperscript{114} Lastly, it finishes with a list of challenges.

Since this thesis focuses on how Frontex legitimizes its work through discourse, the material for the analysis should be written by Frontex. On the institution’s website, Frontex publishes news articles, risk analyses, training manuals, governance documents, reports, etc. The news

\textsuperscript{108} Bergström & Boréus, Diskursanalys, 353
\textsuperscript{109} Bergström & Boréus, Samhällsvetenskaplig text- och diskursanalys, 37
\textsuperscript{110} Frontex. Reg. No: 7722a/09.06.2014. Frontex report to the Office of the High Commissioner for Human Rights on its activities aimed at protecting migrants at international borders, including migrant children. Warsaw, 2014
\textsuperscript{111} UN General Assembly. Resolution A/RES/68/179 on the Protection of migrants. 28 January 2014 , 9
\textsuperscript{112} Frontex. Reg. No: 7722a/09.06.2014, para.1
\textsuperscript{113} Ibid, para. 3
\textsuperscript{114} Ibid, 4
articles could have been used as material for the analysis. However, most of them are rather short and concise. Many of them do not treat the issue of asylum seekers or refugees. In fact, there were no reports, documents or news articles that solely treated the right to seek asylum and the issues mentioned in this thesis. I therefore chose the report described previously. Its purpose is to describe Frontex’s work in relation to human rights of migrants and is therefore relevant material for this study. It gives the critical discourse analysis more breadth as it includes different working areas of Frontex related to human rights. Moreover, the report is produced for the United Nations, arguably the most influential human rights organization and indisputably largest in size on the supranational level. The requested report requires Frontex to discursively legitimize its work to the UN. Only one text will be examined thoroughly and scrupulously so that the analysis will have the necessary depth. In the analysis, I will present the relevant parts of the report and how they are understood through CDA.

6. Analysis

The analysis of this thesis starts with a text analysis of the Frontex report in order to understand how Frontex discursively legitimizes its work and how the institution articulates the right to seek asylum and asylum seekers. Then, the next stage of the analysis focuses on knowledge production and intertextuality in order to understand the indirect link between the report and social structures. The third step of the analysis explains how the discourse is determined by power relations and how Frontex legitimizes its exertion of power. The existence of challenging discourses of relevant human rights organizations will be included in order to understand how Frontex relates to them in the report.

6.1 Text analysis

In the following chapter I will present the results from the conducted text analysis. Firstly, the lexical cohesion and overlexicalization in the text will be presented and elaborated upon in order to see which words are most frequently repeated in the text. Secondly, the use of pronouns in the report will be introduced. Thirdly, the way in which Frontex’s articulates the right to seek asylum and human rights will be presented. Throughout the whole chapter, the types of adverbs and adjectives used in the text will be included when necessary and relevant in order to show how Frontex choses to describe different situations.
6.1.1 Lexical cohesion and overlexicalization

The Resolution A/RES/68/179 requested a report analyzing the “ways, challenges and means to promote and protect the rights of migrants”\(^\text{115}\). The author(s) of Frontex’s report chose to reuse the words ‘protect’ and ‘promote’ in the text. To ‘protect’ or ‘protection’ is used 30 times in the report. Most of the times, the words are used to describe how Frontex protects fundamental rights. It is also used to describe the ‘international need of protection’ and to describe child protection. This overlexicalization indicates a preoccupation of Frontex, where the institution stresses its role as protectors. Furthermore, the term ‘respect’ is used 17 times, almost exclusively in relation to respecting fundamental rights. According to Cambridge Dictionaries Online, respect means “to accept the importance of someone's rights or customs and to do nothing that would harm them or cause offence”.\(^\text{116}\) Respect is a word with a positive connotation which is often used in human rights discourse. Moreover, the words ‘promote’ and ‘promotion’ are also frequently used to describe Frontex’s relation to fundamental rights, as they are used 15 times. The word ‘promote’ means to “encourage people to like, buy, use, do, or support something”.\(^\text{117}\) The synonym ‘support’ is, furthermore, used 11 times in the text. These words indicate that Frontex should not violate human rights. However, it does not necessarily imply that Frontex should actively work for peoples’ possibilities to fulfill them. The relationship between Frontex and fundamental rights is mostly described as Frontex protecting, respecting, promoting or supporting them. These four words have positive connotations and are frequently repeated. This overlexicalization indicates that Frontex intends to intensify the words’ meaning.

Furthermore, certain words are used more frequently than other to describe Frontex’s work. ‘Develop’ or ‘development’ is used 18 times and the positive adjective ‘effective’ or the adverb ‘effectively’ is used ten times. These are words that have positive connotations which are used to legitimize Frontex’s existence and work. Since the institution develops, it improves and this reinsures the reader that there is a future for Frontex. Effective means “successful or achieving the results that you want”\(^\text{118}\), so it subliminally informs the reader that the institution is

\(^{115}\) UN General Assembly. Resolution A/RES/68/179, para. 16
successful and that its actions are positive. Words that are linked in meaning to ‘effectiveness’ and its synonyms are also used in the text. For example:

Frontex has committed to streamline fundamental rights in all its activities.\footnote{Frontex. Reg. No: 7722a/09.06.2014, para. 9}

The word ‘streamline’ means “to improve the effectiveness of an organization such as a business or government, often by making the way activities are performed simpler.”\footnote{Streamline. \textit{Cambridge Dictionaries Online}. 2015. \url{http://dictionary.cambridge.org/dictionary/british/streamline}. (2015-05-10)} Again, the concept of effectiveness is repeated and intensified.

6.1.2 Pronouns
Since the report is a formal document, there are few pronouns used. The text is written using a technical language without a noticeable presence of the author(s). Persons and individuals are seldom mentioned in the first part of the report and is completely absent under the chapter presenting Frontex’s mandate and structure. However, the pronouns ‘them’ and ‘they’ are used later on to describe non-European migrants. The opposing side is referred to as ‘Frontex’ and not as ‘us’ or ‘we’. However, it is evident that there is a difference between Frontex and ‘them/they’.

6.1.3 Human rights and the right to seek asylum
The ‘right to seek asylum’ is only articulated once in the text. In the rest of the text it is referred to seven times as ‘the need of international protection’. Furthermore, the ‘right to’ is only used twice, whereas ‘the need of’ is used seven times. The latter portrays the migrants as victims in need of protection from organizations such as Frontex. It makes the migrants passive, rather than actively claiming their rights. In turn, this creates a positive image of the institution as it draws a picture of itself in which it helps those in need. It also implies that Frontex is needed by the migrants and that its work is for the benefit of the migrants. Furthermore, Frontex recognizes the importance of the right to seek asylum and writes that it should be ensured by ‘referring’ the person to ‘competent’ authorities. The usage of the positive adjective ‘competent’ describes Frontex as a less competent actor in dealing with asylum procedures. It indicates that the responsibility lays with someone else.
Furthermore, the author(s) of the report state in a footnote that they chose to use the concept of fundamental rights and human rights interchangeably. However, the term ‘fundamental rights’ is used 48 times in the text, whereas ‘human rights’ is only used nine times. Three of those times in the “Introduction” to refer to the request from the OHCHR. The remaining six times it is used in more abstract terms such as ‘principles of human rights’, ‘human rights perspective’, ‘human rights monitoring’ and when referring to ‘human rights situations in countries of origin’. However, ‘fundamental rights’ are used when describing aspects related to Frontex’s work and mandates (See Appendix, example 2). Frontex has actively chosen to describe rights much more frequently with the adjective ‘fundamental’ than ‘human’. However, the word ‘human’ is used (except when used in ‘human rights’) eight times in the text. Every time in relation to trafficking. In all other instances persons are referred to as ‘migrants’, ‘persons’, ‘individuals’, ‘minors’, ‘returnees’, ‘children’, torture survivors’, etc. There is a clear distinction between someone referred to and perceived as a ‘human’ or as a ‘person/migrant’. The word ‘human’ describes a living human being with human qualities such as feelings and independent thinking. However, a ‘person’ or ‘migrant’ is more technical, formal and impersonal. This is a way to dehumanize those migrating to the EU, apart from those that are victims of human trafficking.

Furthermore, paragraph 38 in the chapter “Challenges” deals with the right to seek asylum:

One of the main challenges in protecting the fundamental rights of migrants at the borders is to be able to effectively identify those in need of protection when they might not come forward explicitly and refer them to the appropriate authorities. Frontex is looking into ways to develop a strategy to raise the awareness of the important role of borders guards in gaining the access to the asylum procedures during Joint Operations which is an essential element for the effective guarantee of the right to seek asylum.

Firstly, Frontex describes the challenge of ‘effectively’ protecting the rights of possible asylum seekers. As mentioned above, the adverb ‘effectively’ emphasizes the ability to protect the rights successfully. This indicates, once again, how Frontex legitimizes its work in terms of effectiveness. Secondly, the part ‘when they might not come forward explicitly’ is interesting. ‘Might not’ indicates an uncertainty which is uncommon in comparison to the rest of the text. The adverb ‘explicitly’ is used to further describe the general uncertainty of the situation.

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121 Frontex. Reg. No: 7722a/09.06.2014, 2 footnote 1
122 Ibid, para. 38
Thirdly, ‘Frontex is looking into ways to develop a strategy’ indicates that Frontex is working on a solution to the challenge. However, ‘looking into ways’ is a less affirmative way of explaining Frontex’s ambitions compared to how they are articulated in other paragraphs in the same chapter. (‘Frontex is committed to’, ‘need to be revised’, ‘will also take into account’). This uncertainty regarding the situation of asylum seekers and their rights stands out from the rest of the report. Frontex does not make any strong statements nor promises that it could be hold accountable for in the future.

6.2 Interpretation of the relationship between the text and interaction

In order to understand the relationship between the text and the process of production (interaction), the following sections will elaborate on the knowledge production in the text as well as the aspect of intertextuality.

6.2.1 Knowledge production, truth and common-sense assumptions

The overlexicalization of words in the text analysis presented above shows how Frontex emphasizes the connection between its work and fundamental rights as ‘promoting’, ‘protecting’ and ‘respecting’. These assumptions become naturalized and encourage the reader to align with Frontex’s way of thinking. Thus, Frontex’s description of themselves as ‘protecting’ and ‘respectful’ is understood as a fact and as common-sense knowledge. Likewise, the constant repetition of the positive adjective ‘effective’ is established as a fact in the report. As any institution, Frontex (re)produces and circulates these ‘facts’ and assumptions which are beneficial for the institution and consequently supports the legitimization of its existence.

Furthermore, the carefully selected usage of the word ‘human’ shows how Frontex wants to (re)produce knowledge about the “migrant” in legal and technical terms, which results in dehumanizing them. The production of knowledge about the migrants is in line with how Frontex describes its work with migration:

[…] to tackle the challenges of migration flows and serious organised crime and terrorism at the external borders. 123

Migration is criminalized and portrayed in a negative light. This understanding of migration assists the process of dehumanizing migrants and makes it possible for Frontex to speak about

123 Ibid, para. 4
their job in formal and technical terms of ‘development’ and ‘effectiveness’. However, Frontex’s work against trafficking is generally perceived as positive which could explain why the persons in those cases are referred to as ‘victims’ and ‘human beings’. In contrast, immigration restriction and border control is described in formal and technical terms. This production of knowledge and facts about the migrants (or ‘victims’) is made through discourse for the benefit of Frontex.

Furthermore, the production of knowledge concerning border guards should be underlined:

Border guards are key for effective access to the asylum procedure […].

In this sentence, Frontex establishes the fact that border guards are necessary for the fulfillment of the right to seek asylum. ‘Border guards are key’ emphasizes the importance of their work and legitimizes their existence to a certain extent. Furthermore, the following two quotes illustrate how Frontex articulates human/fundamental rights in relations to the practical work of border guards:

[...] human rights [...] and to learn how they are actually an integral part of their work.

[...] demonstrates how fundamental rights can easily be integrated into their [border guards] practices and procedures.

Describing the relation between rights and the work of border guards with the adverbs ‘actually’ and ‘easily’ strongly indicates that Frontex is keen on portraying these statements as facts. The institution has a political interest in making these assumptions common-sense as it would make up for the critique received from human rights organizations. It enables the institution to legitimize its work.

Lastly, the following quote refers to the cooperation with the Frontex Consultative Forum and its members:

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124 Ibid, para. 13
125 Ibid, para. 31
126 Ibid, para. 28
127 The Frontex Consultative Forum serves as a knowledge and expertise resource which advises Frontex in fundamental rights matters. The Forum consists of 15 human rights organizations with expertise in migration issues.
[...] for its members to observe the reality of operational activities in the field and to provide Frontex and its Management Board with more realistic and tailored recommendations to ensure further compliance with fundamental rights in all its activities.128

In this paragraph, the operational activities of Frontex are referred to as ‘the reality’ which is presented to the members of the Forum, implying that they are unaware of the ‘real’ situation. The definition of reality being “a fact”129 shows that Frontex describes its perspective of the world as a fact and therefore also as the truth. This production of knowledge becomes even more evident when the institution uses the adjective ‘realistic’ to describe the kind of recommendations it expects from the Forum. Again, by indicating that previous recommendations have not been appropriate for the ‘reality’ of Frontex, i.e. the ‘real’ reality. This is an example of Foucault’s understanding of discourse as structuring the way we perceive reality.

In sum, there is a knowledge production in the report that aims to portray migrants, migration and the work of Frontex in a way that would benefit the institution. This “general politics of truth” describes migrants as either passive victims in need of Frontex effective protection, or as criminals and traffickers that need to be successfully combated by Frontex. These kind of assumptions are (re)produced in order for Frontex to legitimize its work.

6.2.2. Intertextuality

The following section will focus on the aspect of intertextuality, since it links a text to its context. Therefore, it will examine how Frontex refers to other discourses in the text. The report is produced for the OHCHR which affects how the report is written and how it relates to other discourses. Throughout the report, different NGO’s and UN agencies are mentioned in connection to Frontex’s work. The following quote is one example:

The development of this handbook was supported by FRO and also by international organisations and NGOs with a child-protection focus and experience in providing legal and psychological support to children. Several Consultative Forum members, such as FRA, the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the Red Cross contributed to this work.130

128 Frontex. Reg. No: 7722a/09.06.2014, para. 21
130 Frontex. Reg. No: 7722a/09.06.2014, para. 20
Frontex describes the production of the handbook\textsuperscript{131} as a ‘development’ on behalf of the institution, while ‘supported’ by the organizations. This indicates that the development and work of Frontex is supported and therefore also partly approved by the human rights organizations. Furthermore, the text underlines that the organizations are trustworthy and reliable by describing them with the positive adjective ‘experienced’. Therefore, the paragraph helps establish the “fact” that Frontex’s work is supported by reliable human rights organizations. Furthermore:

In 2013, a trainers manual on fundamental rights for border guards was published with the active participation of a multi-disciplinary team comprising Member States experts and experts from other EU agencies and international organisations, including FRA, EASO, IOM, ODIHR, OHCHR and UNHCR.\textsuperscript{132}

Frontex describes the organizations involvement in the production of a manual in order to legitimize its existence. By stating that ‘experts’ from different organizations participated in the production of the manual, the paragraph aims to manipulate the readers’ interpretation of the text as to make it more trustworthy and “true”. Moreover, the OHCHR is highlighted as one of the contributing (and supporting) organizations which makes the justification of the manual and Frontex’s competence stronger, regarding that OHCHR’s members are the main consumers of the report. This is even more evident in the following quote:

Fundamental rights training is, in any event, an integral part of the Common Core Curriculum (CCC) developed by Frontex with the support of external partners such as the OHCHR, for the use of national education schemes for border guards.\textsuperscript{133}

The OHCHR is specifically pointed out as one of the supporting organizations. This link to other discourses should not be overlooked as it indicates that the author(s) emphasize OHCHR’s involvement in order to remind the readers of their previous support to Frontex. This might affect the reader with the intention to encourage them to accept Frontex legitimization of its work.

Over the years, Frontex has established regular working relations with several UN agencies and organisations. […] the Agency receives regular contributions and support from the OHCHR, UNICEF and the UN Special

\textsuperscript{131} VEGA Children Handbook
\textsuperscript{132} Frontex, Reg. No: 7722a/09.06.2014, para. 28
\textsuperscript{133} Ibid, para. 27
Rapporteur for the Rights of the Migrants. IOM and Interpol are also partners in projects undertaken by the Agency.\textsuperscript{134}

Different organizations with a particular focus on the UN agencies are referred to. Their connection to Frontex is described in terms of ‘contributing’ and ‘supporting’. However, in other parts of the report, the cooperation with EU partners is described in terms of ‘development’ and ‘promotion’. Moreover, it is stated that Frontex consults the EU agencies, rather than receiving recommendations and support from them, as in the case with the UN agencies.\textsuperscript{135} Thus, the way that Frontex articulates its relation to human rights organizations differs from the articulation regarding other EU agencies.

Furthermore, the report is written in a formal language with technical vocabulary which, according to Foucault, excludes laypersons from understanding, participating in and challenging Frontex’s discourse. The report also requires the reader to have certain intertextual knowledge due to the many references to Frontex’s work and other organizations and agencies which are not adequately introduced.

6.3 Contextualization of the relationship between the interaction and the context

The following chapter will present the last stage of the analysis. It will focus on the context in which the text was produced and how the text is determined by power relations. This section will also include how Frontex legitimizes its exertion of power. This will be based on the theoretical framework founded on Foucault’s understanding of power.

The report is written on the request of the General Assembly, through OHCHR, which affects the production of the text as the author(s) know who the consumer is and what the text is going to be used for. The context of the production and consumption of the report is, therefore, relatively clear as it will be consumed and interpreted mainly by human rights organizations. The main consumer of the report, the General Assembly, is the “chief deliberative, policymaking and representative organ of the United Nation”. It consist of all 193 member countries of the UN and it initiates political, economic, humanitarian, social and legal actions.

\textsuperscript{134} Ibid, para. 32
\textsuperscript{135} Ibid, para. 33
that affect people all over the world.\textsuperscript{136} The General Assembly is, unquestionably, powerful and an actor that institutions, such as Frontex, benefit from having a sound relationship with.

However, Frontex had received critique from UN agencies and other NGO’s before the request of the report was forwarded. As mentioned previously, organizations such as UNHCR, ECRE and HRW have criticized Frontex and its relation to human rights (See 1. Introduction). Moreover, in 2013 a report was published by the Special Rapporteur on the human rights of migrants to the General Assembly. It contains a list of recommendations to Frontex that include, amongst other things, to “fully include respect for the human rights of all migrants” and “consider strengthening the role and independence of the Fundamental Rights Officer.”\textsuperscript{137} The criticism and recommendations in the report positions Frontex in a stronger need to legitimize its existence and work to the UN agencies. Moreover, the above mentioned NGO’s are big international organizations that publicly show resistance to the work of Frontex. The references to these organizations in Frontex’s report indicate that they play a role in how Frontex choses to describe its work and legitimize its existence. The report is addressed to those actors and not the actual migrants or asylum seekers. Thus, these discourses affect how Frontex establishes and maintains power relations through discourse.

Furthermore, Frontex legitimizes its work to the UN and NGO’s through its discourse by presenting its work with words that have a positive connotation such as ‘protecting’, ‘promoting’, ‘respecting’, ‘development’, etc. Moreover, there is a strong emphasis on the effectiveness and success of the institution and its work. This legitimizes not only Frontex’s work but also its exercise of power. Hence, by legitimizing its work, Frontex is ultimately legitimizing its existence and the power that it entails. Moreover, there is a production of knowledge and truth in the text that enables Frontex to further legitimize its existence and exercise of power. The portrayed image of migrants and migration helps dehumanizing the discourse regarding this topic. That in turn makes it possible for Frontex to reinforce its power, since its exertion is portrayed as something positive. It gives the impression that Frontex’s actions are positive and for the general good of the (European) population as well as for the migrants and asylum seekers.


Since power is, according to Foucault, understood as a form of strategy it needs to be constantly performed. This applies not only to Frontex, but also to the UN agencies and the NGO’s. The exercise of power is a question of influencing the possible actions of others. That is, Frontex’s discourse influences the UN’s and NGO’s actions, and the UN’s and NGO’s discourse in turn will affect the possible actions of Frontex, and so on. There is a constant circulation of power where all actors try to renew and maintain their own power. It is evident in Frontex’s report that it has been affected by these power relations, since it constantly legitimates its work by referring to the UN and other NGO’s. Frontex needs to acknowledge the existence of these organizations and their role as powerful actors, which consequently affects the exertion of Frontex’s power.

The way in which Frontex describes its work helps to reproduce existing power structures as it aims to legitimize Frontex’s current exercise of power. However, it is not unaffected by surrounding discourses and actors resisting and challenging Frontex’s power. The institution is obliged to include human rights concepts and perspectives in its work in order to legitimize and maintain its power. Secondly, it is requested to provide the UN with a report on the challenges of migration which consequently leads to a discussion on how these challenges should be solved. This demands Frontex to articulate aims which it can be hold accountable for in the future. However, it was shown in the text analysis that Frontex articulates the future aims with vague words and weak statements. Nevertheless, Frontex produced the requested report which signified that it had to legitimize its exercise of power in relations to human rights to the UN. Foucault would argue that, by doing this, the institution also gets the possibility to include and exclude statements and information in order to create common-sense assumptions to influence the readers’ textual experience and naturalize certain propositions that would in turn benefit the institution. This contributes to the circulation of power and creates a constant struggle and negotiation for power.

7. Concluding discussion

A critical discourse analysis was conducted in order to understand how Frontex as an institution legitimizes its management of the union’s external borders and how it relates to asylum seekers and human rights, and especially the right to seek asylum. The theoretical framework, based on
Foucault’s theories of power and knowledge has provided the thesis a deeper understanding of how the institution legitimizes its existence and its exertion of power.

By emphasizing on certain words in its texts, Frontex naturalizes ideas and conceptions about the institution. It constantly repeats the role of the institution as protecting, promoting and respecting human rights, which are generally perceived as positive qualities. This is a way to legitimate its work and existence and consequently its exercise of power. This is further justified by the description of Frontex’s work as effective and successful. The analysis shows how the institution produces knowledge and establishes facts about migrants and migration in order to create common-sense assumptions about Frontex’s work and the power it entails. Moreover, it also provides the reader with the impression that the institution’s work is for the general good of the European population as well as for the migrants in need.

Furthermore, the analysis shows that Frontex portrays migrants in different ways. On the one hand, they are described as human beings and victims of trafficking who are in need of Frontex’s protection. On the other hand, migrants, including asylum seekers, are described in more legal and technical terms of ‘persons’, ‘migrants’, ‘minors’, etc. The latter way of portraying migrants and asylum seekers enables the institution to formulate and legitimate its work and existence in technical and positive terms of ‘effectiveness’ and ‘development’. Throughout the report, ‘human rights’ and ‘rights to’ are rarely used which further indicates the dehumanizing process of the knowledge production of migrants and migration. This “general politics of truth” of the institution (re)produces knowledge and facts that are beneficial for Frontex and its future existence.

The legitimization of the institution is constantly done while taking the resisting and challenging discourses of the UN and NGO’s into consideration. In the report, Frontex needs to legitimate its work and existence to the UN which consequently affects the writing of the report. As the main consumers of the report are human rights organizations, Frontex has an interest in influencing the UN’s and other NGO’s possible actions, rather than the actions of migrants. The text is, furthermore, written in a technical and difficult language which possibly exclude migrants from interpreting and consequently challenging its producer. Moreover, since the UN and NGO’s also are continuously in need of legitimizing their existence and work, the struggle of power between Frontex and the organizations creates a constant circulation of power. All actors aim to legitimize their own existence and exercise of power. These power
relations consequently affect the discourse of Frontex, which is evident in how the institution refers to the organizations in the report as to legitimate its work and its exertion of power.

The results are to a great extent in line with the previous research presented in the beginning of the thesis. The criminalization of irregular migration and asylum seekers was emphasized by Cholewinski\textsuperscript{138} and it has also been the case in the Frontex report, as migration has been connected to trafficking, organized crime and terrorism. Furthermore, Mitsilegas\textsuperscript{139} argues that border controls are treated as a technical issue, which relates to how Frontex describes migration and migrants in technical and legal terms in its report. The results of Horstí’s research\textsuperscript{140} of Frontex’s discourse between 2006 and 2011 are similar to the outcome of this thesis regarding the report published in 2014. The similarity is found in that Frontex legitimizes its existence by referring to it as “effective” and that the institution legitimizes its work by portraying their actions in a good light. Moreover, Horstí’s research has shown, in line with this thesis, how Frontex describes certain migrants as victims. Different studies present similar results, which consequently strengthens the reliability of this thesis. The results have therefore contributed to the knowledge revolving around the aspects of the problematic relationship between the right to seek asylum and the difficulties of actually claiming it due to Frontex’s border controls.

The limited amount of time available for conducting the research has affected the breadth of the results of this thesis as they are based on one in-depth analysis of one text instead of multiple. Therefore, the results from the analysis only reflect Frontex’s legitimization in the aforementioned report and cannot be generalized to the whole institution. Neither do the results explain different discursive practices in different contexts, nor are all possible challenging discourses taken into consideration. These limitations do not make it possible to draw any general conclusions, however they do give an indication of how Frontex employs discourse to legitimize its work. Still, this research field would benefit from additional CDA studies conducted on the institution as it would create an understanding of the discursive strategies of


Frontex and consequently improve the possibility for people to claim their right to seek asylum. Hence, some recommendations for further research will be presented below.

Firstly, it would be valuable to conduct a comparative study on how Frontex discursively legitimates its work in texts with different consumers. This would give a stronger indication of how different contexts affect the production of Frontex’s texts and the way it legitimizes its work. Secondly, it would have constructive merit to conduct a critical discourse analysis on the discourses of the UN and other NGO’s to see if and how Frontex affect their discourses. This would help further explain the effect of power relations on the production of knowledge through discourse in this particular context. Thirdly, it would be worthwhile to examine if there are any discrepancies between Frontex’s intentionality and its actions. Namely, if Frontex does what it intends to do in its texts and how this, consequently, affects the way that the institution legitimizes its power. Moreover, the topic of this thesis is highly relevant considering the amount of migrants trying to enter the EU in dangerous ways in order to seek asylum. Further research is needed to create possibilities for people to be able to claim their human right to seek asylum and receive the international protection that they need.

In conclusion, Frontex legitimizes its approach to the management of the European Union’s external borders by describing its work in positive words such as ‘protecting’, ‘respecting’, ‘effective’, ‘developing’ and ‘promoting’. This is supported by the portrayed image of asylum seekers as passive actors in need of the institution’s protection. Furthermore, the dehumanization of migrants enables Frontex to legitimize its work in technical terms of ‘effectiveness’ and ‘development’. And finally, the references to the UN and other NGO’s in the report indicates the influence of these power relations in how the institution legitimizes its existence and work. This thesis has contributed to the understanding of Frontex and how it discursively legitimizes its work in respect to the right to seek asylum. Future research should focus on how to better understand the institution’s strategies and improve peoples’ possibilities to claim their right to seek asylum. This research was conducted against a backdrop of a rapidly worsening situation for refugees and asylum seekers. The number of refugees and asylum seekers is at its peak since the Second World War. This has considerably affected the development of European immigration and asylum policy and has led to the question whether the EU is able to present a long-term solution that can settle the uneasy relationship between the right to seek asylum and the member states’ interest to guard their borders.
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Appendix

Example 1: text analysis

“Frontex is continuously taking further steps to enhance compliance with the obligation to mainstream fundamental rights during operational activities. This commitment helps Frontex to effectively promote and protect the fundamental rights of all migrants […]”

Adverbs:

Continuously: Legitimizes through assuring future existence
Further: Word with positive connotation indicating advancement
Effectively: Word with positive connotation indicating success

Adjective:

Fundamental: Describes the importance of rights
Operational: Describes the activities

General:

Taking: Verb describing action, reassures that Frontex is improving its work
Enhance: Insures reader of future existence
Promote: Word with positive connotation
Protect: Word with positive connotation

Example 2: articulation of human/fundamental rights

“Data collection and analysis methodologies are under internal discussion taking into account fundamental rights aspects such as asylum applications, trafficking in human beings and the human rights situation in countries of origin.”

Are under internal discussion:

Describing action insuring the reader that the problem is being dealt with.

Fundamental rights aspects such as asylum applications, trafficking in human beings:

Fundamental rights refers to aspects related to Frontex’s work (asylum and trafficking).

The human rights situation in countries of origin:

Human rights refers to situations outside of Frontex’s mandate.

142 Ibid., para. 25